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SEAN GAHAN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

OPTISTREAMS, INC.

Plaintiff,

vs.

SEAN GAHAN, *et al.*,

Defendants.

AND RELATED COUNTERCLAIM

) Case No. 05-CV-00117 REC (SMS)

)

) **STIPULATION AND ORDER**

) **EXTENDING TIME RE**

) **PLAINTIFF'S REPLY**

) **MEMORANDUM IN SUPPORT OF**

) **ITS MOTION TO VOLUNTARILY**

) **DISMISS ITS COMPLAINT**

) **WITHOUT PREJUDICE PURSUANT**

) **TO F.R. CIV. P. 41(a)(2)**

)

)

) Date: February 6, 2006

) Time: 1:30 p.m.

) Judge Robert E. Coyle

1
2 WHEREAS on December 28, 2005 Plaintiff filed its Motion To Voluntarily
3 Dismiss Its Complaint Without Prejudice Pursuant to F.R. Civ. P. 41(a)(2) (“OptiStreams’
4 Motion To Voluntarily Dismiss”), noticing the hearing for January 30, 2006;
5

6 WHEREAS L.R. 72-830(c) requires that oppositions to motions be served not less
7 than 17 days preceding the hearing date if served electronically;

8 WHEREAS Defendant filed and electronically served his Opposition to
9 OptiStreams’ Motion To Voluntarily Dismiss on January 17, 2006;
10

11 WHEREAS L.R. 72-830(d) requires that reply memoranda be filed and served not
12 less than 5 court days preceding the hearing;

13 WHEREAS on January 18, 2006 Defendant’s counsel agreed in writing to stipulate
14 to extending Plaintiff’s date for a reply, and suggested continuing the hearing on
15 OptiStreams’ Motion To Voluntarily Dismiss to February 6, 2006;

16 WHEREAS on January 19, 2006 the Court continued the hearing on “OptiStreams’
17 Motion To Voluntarily Dismiss to February 6, 2006;
18

19
20 Plaintiff OptiStreams, Inc. (“OptiStreams”) and Defendant Sean Gahan (“Gahan”),
21 by and through their respective attorneys, hereby stipulate and agree as follows:

- 22 1. OptiStreams’ reply to Gahan’s Opposition to OptiStreams’ Motion To
23
24
25
26
27
28

Voluntarily Dismiss shall be electronically filed and served by January 27, 2006.

Dated: 1/19/06

TRIAL & TECHNOLOGY LAW GROUP
A Professional Corporation
Attorneys for Plaintiff
OPTISTREAMS, INC.

By: /s/ Robert A. Spanner
Robert A. Spanner

Dated: January 19, 2006

SAGASER JONES & HAHESY
Attorneys for Defendant
SEAN GAHAN

By: /s/ Howard A. Sagaser
Howard A. Sagaser

ORDER

Good cause appearing therefore,

IT IS SO ORDERED.

Dated: January 20, 2006

/s/ ROBERT E. COYLE
UNITED STATES DISTRICT COURT JUDGE